

Transcript

April 3, 2025, 5:31PM

ST **Sheri Tonn** 0:13

You all for joining us for this special meeting of the Washington State Board of Pilotage Commissioners.

ST **Sheri Tonn** 0:21

We intend to take public comment in this meeting, but first I'll start with a brief opener.

And the subject of this meeting, of course, is the phrase Washington state pilots in our RCW section of 180.

We have had the opportunity to have a variety of discussions and read a whole bunch of documents which include one that's entitled the Salish Sea Boundary Straits, Historic International Waters, or Territorial Seas published in Ocean Development and international law, volume 48 Written by Craig Allen, Maritime Attorney and expert at the University of Washington.

We've had the opportunity to read correspondence from Clay Diamond, who's the executive director of the American Pilots Association. Correspondence from Puget Sound pilots. The International United Nations document regarding in 1992 the Convention of the Law in the Seas or Young close and a variety of other documents. We have one from the Chamber of Shipping and all of the documents will be public and posted on our website.

In addition, we've consulted with the Washington State Attorney General's office, and we want to open this first with any comments from the board. Then we'll move to public comment and we could potentially lose a quorum.

ST **Sheri Tonn** 2:23

So if you plan on public comment, we'll need you to keep it brief, preferably 3 minutes or less.

So let's move to comments from the board.

Are there any opening comments?

TF **Tim Farrell** 2:40

In order to get the conversation started, I'd like to make a motion.

And that motion is that we retract our motion from our March 20th meeting, which indicated that we would follow the Attorney General's Office recommendation to enforce RCW 88.16.180 as soon as safely practicable following the April 17, 2025 board meeting.

ST **Sheri Tonn** 3:13

Is there a second?

2nd, Thank you, Eleanor.

Tim originally voted in favor of the March 20th motion, so his motion is in order and I will have you read it once more, Tim, and then we'll take public comment on it.

TF **Tim Farrell** 3:39

OK.

I move that we retract the motion from the March 20th 2025 Pilot's Board meeting to which indicated that the board would follow the Attorney General's Office recommendation to enforce RCW 88.16.180 as soon as safely practicable following the April 17, 2025 Board meeting.

ST **Sheri Tonn** 4:09

Thank you.

Among other things, we've reviewed the history of all of the legislation and the one thing we can say from reviewing the history is that past practice did not necessarily meet what 180 stated in that past practice has had Canadian pilots on board for at least 50 years as they're going to and from Washington are going to and from Canadian ports.

ST **Sheri Tonn** 4:39

Not going to Washington ports. Do we have public comment?

+12*****25 4:46

We do. This is Fred Felleman.

ST Sheri Tonn 4:50

Please keep your comments to 3 minutes.

+12*****25 4:53

Very good. I, that was news to me that there was previously a practice to have US pilots on Canadian bound vessels and I think it's very important to.

ST Sheri Tonn 5:04

Did I say that wrong?

Canadian pilots on Canadian bound vessels.

+12*****25 5:11

It was only Canadian pilots on Canadian bound vessels.

What was the difference?

I mean, so for the past 50 years or?

Just please repeat what you said.

ST Sheri Tonn 5:24

Roughly the past 50 years, on ships heading to Canadian ports.

Canadian pilots have been on those ships in US waters as well as Canadian waters.

+12*****25 5:39

Right. So.

OK.

So that's been the customary practice, correct?

Right. And So what makes this decision here so important is that customary practice becomes the law unless the law is actually adjudicated.

And so the reason why this whole interpretation of innocent passage like Craig Allen's gotten wrong is because the VTS agreement is predicated on the comparability analysis that the Coast Guard's across the border have completed. And for that it says for all intent and purposes, the rules are the same across the

board, but one foundational rule that is clearly not comparable is the fact that the Canadians have adjudicated their waters as internal to the country of Canada through UN and the United States has failed to do so, so our waters are treated like territorial seas and they're treated as internal waters.

Most recently, when COVID hit, Canadian Whale watch boats were allowed to be in US waters, but US boats were not allowed in Canadian waters.

So there's no way that one could say these rules are comparable because the United States has failed to achieve the appropriate designation of our waters and provide the protections that are necessary. Allowing this behavior to go on unaddressed further compromises the US position to enforce our laws in our waters.

So I believe Craig Allen has completely sold the farm and completely disagree with the premise. Going back to the Oregon Treaty, which goes on to say that it is like the country of at that point is whatever, England, would allow flag vessels would of course go to their port, they would. That would be innocent passage, but not all vessels that happen to be doing business with Britain at the time we have that benefit, so innocent passage has completely been misread and the rules across the border are not comparable and they should, therefore, we should enforce the laws that are in Washington waters.

ST **Sheri Tonn** 8:01

So are you speaking in favor of or against the motion?

+12***25** 8:01

Thank you.

The motion right now, as I understood it, would be the recommendation of the AG is to enforce pilotage in US waters. Right, that's what the original motion was? And the motion currently before us is to withdraw that. So, we would not enforce us piloting in our waters. That's what's before us is the removal?

ST **Sheri Tonn** 8:33

So are you speaking in favor of or against the motion?

+12***25** 8:34

I am trying to make sure I understand what the motion is saying. We're talking about no law now, not enforcing U.S. law in US waters. That's what the motion is, right?

TF **Tim Farrell** 8:52

No, no.

Washington no, not U.S. law, no.

+12***25** 8:58

It's Washington law in U.S. law.

ST **Sheri Tonn** 8:58

Washington State RCW 88.16 point 180.

OK.

+12***25** 9:06

So I just want to make sure I know what I'm testifying on. The recommendation is withdrawing the previous motion and the previous motion was to enforce pilotage requirements in Washington waters for Canadian bound vessels, right?

+12***50** 9:14

Correct.

ST **Sheri Tonn** 9:25

Safest practical.

+12***25** 9:26

Previous motion that being withdrawn. So, I am testifying in opposition of the current proposal to withdraw what's clearly our authority.

ST **Sheri Tonn** 9:29

Correct.

Thank you.

Are there others speaking in favor of or against the motion? Are there others who'd like to testify, Lovel?

LP **Lovel Pratt** 9:54

Yes, hi, this is Lovel Pratt from Friends of the San Juans and I need to ask a question.

This is it's a real disadvantage to step into a public session and provide testimony without totally understanding the issues that are being considered.

And so my question is, Well, first of all, I think it would be better for this meeting to be continued to a time when the public would have an opportunity to read the materials that have informed the Board of Pilotage Commissioners in making this motion. I think it's a real disadvantage to expect the public to provide reasonable and informed testimony without having benefited from the materials that you've benefited from. So that's my first comment.

My question is whether the tankers that are bound for Canada and or bound for US ports coming from Canada, whether those tankers will be piloted by Puget Sound Pilots.

ST Sheri Tonn 11:11

Those are two separate questions. Going to and from Canada, they would. If this motion were to pass, we would then take further action regarding those ships, those coming to and from US ports clearly have the requirement for pilotage.

LP Lovel Pratt 11:35

So if there's a vessel that's going to Canada with the intent to load crude bound for any US port, whether it be Washington state, California, Alaska, whatever, that, that ship would be piloted to and from Canada.

ST Sheri Tonn 11:54

My understanding that correctly, if it enters us waters correct.

DA Drennen, Andrew 12:00

If it's on the inbound, yeah.

ST Sheri Tonn 12:02

It's next port of call.

Yes, sorry.

DA Drennen, Andrew 12:04

If it's inbound to Canada, to the load port, it would not require if it left a load, if it left

the load port and it was bound to a Washington state port, it would require a US pilot in Washington waters. Or excuse me, a Washington pilot in Washington waters.

ST Sheri Tonn 12:05
Thank you, Andrew.

TF Tim Farrell 12:16
Right.

ST Sheri Tonn 12:24
Thank you.

DA Drennen, Andrew 12:27
If it was bound for California it would not require a Washington state pilot.

ST Sheri Tonn 12:38
Yeah. Thank you, Andrew.
So.

LP Lovel Pratt 12:41
So, I well, given the really limited information that I have and I mean please take my request seriously. I really think it's inappropriate for you to open up a public meeting without allowing the public to review the materials that are the subject of the motion that were expect to testify on. But given that this might be my only opportunity. My testimony is in opposition to the current motion, and I do believe that the Attorney General is correct in advising you to comply with Washington state law.

ST Sheri Tonn 13:22
Thank you.
Brian Boung.

BY Brian Young 13:29
Thank you, Sheri. I just wanted to provide context to some of the questions. Operational context. So vessels bound to Canadian ports from sea if they use Boundary Pass/Haro Strait, they have Canadian pilots on board.

Vessels bound to US ports in Washington waters have US pilots on board when they use Boundary Pass/Haro Strait. And it's the same with outbound vessels, vessels outbound from Canadian ports have Canadian pilots out to sea and vessels outbound from Washington State port have Washington State pilots on board to sea and if there are any vessels that transit directly between the Canadian port and a Washington state port then, on the Canadian side, we have Canadian pilots. We then hand over to the US pilots who take the vessel into the Washington state port and on the rivers. If a vessel's leaving a Washington state port and coming to a Canadian port, a Puget Sound pilot brings the vessel out until the jurisdiction changes and then hands over to a Canadian pilot who takes it into the Canadian port.

And with reference to the motion, my understanding That it wasn't specifically to apply 88.16.180 to all Washington state waters. It was specific to Puget Sound and adjacent waters. That's it for me. Thank you.

ST Sheri Tonn 15:15

Thank you, Brian.

Is there other public comment?

+12***25** 15:22

I just take issue with the fact that when you declare yourself bound to California, when you're bound to California. Sorry.

ST Sheri Tonn 15:27

Fred. Fred.

I asked for other public comment. Fred. Mike Moore.

+12***25** 15:33

Just come back to me when you have a chance.

MM Mike Moore 15:34

Yes.

Thank you, Chair Tonn.

I trust that you guys had a very robust discussion over the last hour and a half, all

these materials and since we're currently in confidential discussions with PSP to identify common ground, streamline tariff setting process, I'm limited about what I can talk about. But I think you have all those documents that you listed at the front end are pretty informative for your discussions that took place this morning. I would say, however, that if this did go forward, it may impact one of the issues PMSA has continuously expressed concern about, which is management of the availability of on-watch pilots. I know in February, it's a pretty low assignment month, about 8.6 assignments per pilot, but still approximately 10% assignments are delayed or performed by callbacks. So, we'd like the BPC conversation to include some commitments to improvement of management on watch availability. If this were to go forward, I don't know what the future holds here. But if it did go forward, there'd be a lot more assignments and out of district time for pilots. Besides all the jurisdiction issues and designation of waters and so forth, the discussions you're having now. The other aspect of workload management is in play probably too, if this were to go forward. So that's all I have to say. Thank you.

ST **Sheri Tonn** 17:00
Antonio.

AM **Antonio Machado** 17:15
Can you hear me?
OK. Antonio Machado with Western States Petroleum Association representing our Members here.

ST **Sheri Tonn** 17:19
Yes.

AM **Antonio Machado** 17:29
We are in agreement of canceling the last March motion that was made. Also we support that Washington pilots will be required and bound if bound for US ports and also we believe that Washington pilots should not be required on vessels transiting to and from Canada Ports. So, we just wanted to state that as our support from our industry and our Members. Thank you very much.

ST Sheri Tonn 18:02
Is there other testimony?

+12***25** 18:08
I'm at a disadvantage since I'm just on the phone, but please call me when you when you call, I will answer.

BJ Bever, Jaimie (WSF-Pilotage) 18:16
I see John Veentjer just put his hand up.

ST Sheri Tonn 18:16
John Veentjer .

JV John Veentjer 18:27
Trying to get my mic working here.

ST Sheri Tonn 18:30
Yeah.

JV John Veentjer 18:32
Just real quickly, I'm in agreement with the rescission of the motion. I think that Tim made what everybody else has said except Lovel and Fred. I disagree with them in that a vessel bound to the US of Washington, not to the US of California but to the US of Washington will have a pilot on board, a US pilot on board. But the vessels, bound through Haro and Boundary. What I'm looking at here is the law 180 that says Puget Sound or adjacent waters, adjacent Waters means next to. Haro and Boundary are not next to Puget Sound. So if the legislature had in 1991 or whenever they wrote this particular act or statute had intended for the vessels going to Canada, a tanker going to Canada, to have US pilots on board, they would have said Puget. They would have said the pilotage waters of Washington state, not just the adjacent waters to Puget Sound. Yeah, that's all I got to say.

ST Sheri Tonn 20:01
So John, you're speaking in favor of the motion.

JV **John Veentjer** 20:06

The motion that Tim made this morning.

ST **Sheri Tonn** 20:09

Yes.

Yes.

Is there anybody else than Fred?

Fred, I'll come back to you in a minute if there's nobody else. Ian.

Mantha.

IM **Ian Mantha** 20:20

Hi Ian with Transmarine Navigation speaking to also in favor of the recension, in favor of the motion today. It just doesn't seem physically feasible. It doesn't seem any safer to double up on the pilots transiting through Haro, and in fact kind of going back to Mike's conversation about workloads, it just stretches an already limited workforce even more and could be dangerous or more dangerous, as well as causing more delays and other issues within transiting through the actual Puget Sound and as far as Cherry Point, the San Juan Islands in that area. I think the more concern is the actual inbound vessels coming into the Washington state where we already are having pilots who are experienced taking pilot, taking ships from the Strait up into Vancouver. So they're perfectly qualified. I don't think that this adds anything. It only creates more complications and possibly raises the issue of safety.

ST **Sheri Tonn** 21:42

Thank you very much.

HJ **Hamel, Jolene (WSF-Pilotage)** 21:46

Randy was first. And then Puget Sound Pilots.

RC **Randy CLICK** 21:52

Hi I agree with Ian. I think that it'd be more beneficial for Washington State pilots to focus on Washington waters.

ST Sheri Tonn 22:07
Yeah, I'm. I actually can't see who that was.

RC Randy CLICK 22:14
Randy Click.

ST Sheri Tonn 22:16
Thank you.

ST Sheri Tonn 22:19
Next is Puget Sound Pilots.

CR Conference Room 22:24
Yes, Ivan Carlson, president of Puget Sound Pilots. I'm not going to speak in favor of or against the motion. I think our guys are going to abstain on this one, but I do need to push back on some of the comments. It's not about whether or not we can meet the demand, it's whether or not the demand requires us on there. And if you read 88.16.260, John you'll see that's at Tug escort requirement, you'll see that it does indicate Haro Strait as well. I'm not speaking in favor of or against the motion though, just pushing back.

ST Sheri Tonn 23:20
OK.
Is there anybody else who has not spoken?
OK, seeing no one else, Fred.

+12***25** 23:34
Great. Thank you. And sorry about the background noise. I'm still in the airport. With regards to John's comment, you know, I would agree the formal definition of Puget Sound, but it's often used inappropriately. But what I would include is there is a lot of people, so I'm really concerned that those are sorry to the eastern side of Haro Strait is not being Washington waters.
That that was some cool we should limit ourselves just to Washington waters. So these are Washington waters. So, I would like to reaffirm our support. This is such

a foundational issue and for it to be treated in such a casual way is completely inappropriate for a public agency to be doing something like this. So the fact that we documents that haven't even been available to the public no less than issuing claims for the public of this magnitude is really quite astonishing.

And then to the point of the pilots, this isn't the question of current capacity. This is a question of jurisdictional authority, and if jurisdictional authorities required it then their capacity would have to be upgraded. So, I think that's very important. And then finally, one of the vessel leaves Canada and declares its destination as California, Tthis passage is no longer innocent by definition, and to call that transit to sea and not to Canada, not to California, I find to be completely erroneous is the fact is, it's going to US and during that transit, it should be piloted. Transit it through or back to or otherwise, if it's in California, going north from the US coast is where I think is critical that we understand that once you declare that you're no longer innocent. Thank you.

ST Sheri Tonn 25:37

Thank you, Fred. Lovel.

LP Lovel Pratt 25:43

Again, I just want to restate the inadequacy of this opportunity for public comment, given our inability to review the materials that were provided prior to this public portion of this special meeting, and I did post in the chat two definitions of Puget Sound that should be considered and in particular the WAC, regarding geographical definitions of Puget Sound. I am very concerned you have industry representatives that are speaking in favor of the motion and abdicating the responsibility of Washington State's Puget Sound Pilots in Washington state waters. Even though Canada Vessel Traffic Service manages Haro Strait Boundary Pass and Lower Georgia Straight on both sides of the border, nonetheless. Those are Washington state, US waters that need the protections afforded by the state laws that govern these protections.

And this lack of follow through with regards to the Attorney General's recommendation on the part of the Board of Pilotage Commissioners is really concerning.

ST Sheri Tonn 27:17

Thank you, John Veentjer.

JV John Veentjer 27:25

Turn the mic on here. Just real quick, innocent passage, the definition, I think Fred's got it wrong again. Anything to California is going out to an international body of water first, so it is clearly leaving Canada going through a Strait that is subject to two different countries. It's called transit passage. Innocent, same as innocent passage. It is going to California. It is not coming to Washington. It's gone into an international body of water anyway.

ST Sheri Tonn 28:05

Thank you.

JV John Veentjer 28:07

So that's all I have to really got to say, except that I didn't understand what Ivan had to say. Captain Carlson had to say they're about to tug escort. These vessels are all escorted in the strait in Haro and Boundary. So, I'm not sure what he's referring to. It doesn't talk about pilotage, but I don't have that particular statute in front of me. We're talking about tug escorts and these vessels are tug escorted and contrary to what Fred said earlier, a comparability study has been done and these are comparable. They're not the same. They're comparable.

ST Sheri Tonn 28:56

Thank you, Jake Spink.

JP Jake Spink - President 29:00

Yeah. Good morning. Just want to be clear. For some people it's not clear that on an outbound vessel from Vancouver. It could actually stay in Canadian waters all the way. They don't actually have to cross into US waters on an outbound vessel, just cleared out.

ST Sheri Tonn 29:18

Thank you.

Is there anybody else who hasn't spoken?

HJ **Hamel, Jolene (WSF-Pilotage)** 29:22

Sheri, Eric Klapperich had his hand up for a long time and I don't know if he changed his mind or.

ST **Sheri Tonn** 29:29

His hand is not up now.
Eric, do you want to speak?

EK **Eric Klapperich** 29:35

I was gonna say, but Lovel kind of touched on it, that some of the people, the agents and stuff, I'm not sure if they're clear of what the discussion was really about and then Lovel had mentioned it was about the discussion on vessels transiting through, to Canada, transiting through Washington state waters. It seemed like it was being missed in their initial comments and the agents were worried about workload and things of that nature, but the discussion was around transiting through Washington state waters without a Washington state pilot on board going to Canada.

ST **Sheri Tonn** 30:19

Thank you.
Is there anybody else who would like to speak?

+12***25** 30:26

Could I?
Could I just make one more question point?

ST **Sheri Tonn** 30:29

You don't have your hand up, Lovel is next.

+12***25** 30:32

I'm so sorry. I'll be happy to defer. I'm just on the phone, so please call me one more time.

ST **Sheri Tonn** 30:42

OK. Lovel.

LP Lovel Pratt 30:48

Yeah. I just wanted to clarify that when you look at the comparison of the state law regarding pilotage requirements and tug escort requirements, the pilotage requirements include tankers that aren't required to have tug escorts because they're under 40,000 deadweight tons and the pilot is requirement starts at 5000 deadweight tons and correct me if I'm wrong, but I think.

ST Sheri Tonn 31:15

OK. Yeah, there's some additional.

LP Lovel Pratt 31:17

I think there's.

ST Sheri Tonn 31:18

There's some additional information regarding that Lovel, that we can get to later.

ST Sheri Tonn 31:28

Tim, would you like to add anything?

TF Tim Farrell 31:31

Yeah, I would. In light of the comments we've heard today. I am sensitive to the to the notion Lovel, that we've reviewed a fair amount of material that you have not. So I would like to withdraw my motion and make a new motion. And the new motion would be that we withdraw our motion from the April from the February meeting. And that we revisit this issue in the May meeting and make a final decision at that time. So in other words, status quo.

ST Sheri Tonn 32:36

That your original motion was for the March meeting.

TF Tim Farrell 32:42

I'm sorry.

ST Sheri Tonn 32:42

So we'll need to get a second or we'll need to check with the person who, Eleanor who seconded it.

TF **Tim Farrell** 32:44

Not wrong, yeah.

ST **Sheri Tonn** 32:49

But so your motion is to withdraw.

The motion you've already made.

And delay a discussion and action to the May meeting.

TF **Tim Farrell** 33:05

So I'd like to with withdraw the motion that I made today and then withdraw the motion that we made in February, March, sorry. In March. Thank you. And then revisit that topic in our May meeting.

ST **Sheri Tonn** 33:31

OK, so in withdrawing the motion you made today, if the seconder agrees, we can just drop that motion. Then we can take action on the motion you're making right now.

TF **Tim Farrell** 33:44

OK.

ST **Sheri Tonn** 33:45

How does that sound?

TF **Tim Farrell** 33:47

Sounds good.

ST **Sheri Tonn** 33:49

OK. Secunder. Eleanor, do you agree?

EK **Eleanor Kirtley** 33:53

Or if I understand, because the motion we made in March.

ST Sheri Tonn 33:59

No, we're talking about the motion he just made. Do you agree to withdraw your second on today's motion?

EK Eleanor Kirtley 34:10

Because we will continue the discussion at the April 17th meeting, is that right?

ST Sheri Tonn 34:23

What he's proposing is that we take action in May as compared to April, thereby revising the March motion. So, the question to you is do you agree to having him withdraw the motion he made today?

That's all you need to answer right now is yes or no.

Yes? OK. OK.

Now that motion has been withdrawn by the person who made it and the seconder, we can move to the new motion. Tim, if you'd like to make one.

TF Tim Farrell 35:04

OK. I move that we as a board rescind our action at the March 20th meeting and that we hold a new vote on this subject at our May 2025 meeting.

ST Sheri Tonn 35:33

Is there a second?

EK Eleanor Kirtley 35:38

2nd.

ST Sheri Tonn 35:40

Is there any discussion on the part of the board with regard to this new motion?

Anything from the board?

HJ Hamilton, Jason 35:55

So just so that I'm clear, could we state the motion again?

TF **Tim Farrell** 36:03

Yes.

And in layman's terms, this is status quo until May. So, I move that we rescind our action on this topic from our March 20th meeting and that we hold a discussion at our May meeting and take a vote on how to address RCW 88.16.180.

HJ **Hamilton, Jason** 36:46

OK.

So that would then give the public more time to review the materials that we have received and reviewed in our multiple sessions. That's the intent. That's correct.

Thank you.

ST **Sheri Tonn** 37:03

Is there any other board discussion?

OK. Is there any public discussion?

Any public comments?

+12***25** 37:13

I do, but I'll wait till you tell me.

ST **Sheri Tonn** 37:18

Ian.

IM **Ian Mantha** 37:20

Yeah, I just have a quick comment slash question to just to be raised 'cause I probably won't be in attendance in the other meetings and I'm sure you guys probably have already discussed this, but as far as it's completely understood that this is about vessels transiting through Washington State Waters and whether the current law is to be enforced by the Puget Sound pilots or the Board of Commissions Commissioners. I guess the thought in question comes now, I guess specifically from our side is the application of that and providing the manpower. Curious on that part as well as the pay or the time for that because again, you know that requires the Commission to then or the pilots then to build. I guess a Canadian agent or a

Canadian ship owner or whoever for that, because there will not be any US agents involved with the actual transit and the business of hiring, of hiring a pilot.

IM **Ian Mantha** 38:29
So again, I don't expect a response, but I just wanted to put that in there out there.

TF **Tim Farrell** 38:47
Eleanor, we seem to have lost our chair.

EK **Eleanor Kirtley** 38:58
You want me to step in as vice chair?

HJ **Hamel, Jolene (WSF-Pilotage)** 39:00
I believe she's trying to get back in.

BJ **Bever, Jaimie (WSF-Pilotage)** 39:03
Maybe Lovel can go in the meantime.

LP **Lovel Pratt** 39:09
I'll defer to Fred because I know he's been waiting.

+12***25** 39:14
And all right. Well, thank you. I do appreciate this. This motion and the only qualification I would do is that there'd be appropriate notification and that those materials being distributed. So there has to be not just the delay but a formal process by which the public can have a chance to review this. I don't necessarily comment on the question about a Canadian outbound vessel contain US and Canadian waters the whole way. You know, I watch this transit all the time and it's, you know, the vessels straddle the line. It's like, you know, it's going right down the middle as much as possible and just to push a vessel over a turn point. You approach archive reef and I think that increases risk and if you push the vessel over, I tell believe. You increase the risk. So, I think it's ill informed. I don't want to comment that, but I think it's ill-advised to intentionally push the vessels in Canadian waters if it increases risk. The last thing is if it's two more days, as far as the comparability analysis goes, to have one side say it's internal and one side says the

territorial sees is so not comparable. it is irrefutable. Finally, I think I have a solution which I'd love to hear. I believe what's really critical is that we retain the jurisdictional authority. We could provide a waiver. We could allow for Canadian pilots to do this work, but jurisdictionally preserving that right. And I think that would be one way to deal with it.

TS **Tonn, Sheri** 41:03

Fred, I'm going to cut you off. You can put your comments in writing please. And they'll go on the official record. Everything will be posted on our website and we will

+12***25** 41:18

Actually, will there be a?

TS **Tonn, Sheri** 41:20

The.

+12***25** 41:20

Will there be a transcript of this meeting?

TS **Tonn, Sheri** 41:21

Fred, the next person to talk is the next person to talk is Puget Sound Pilots.

+12***25** 41:22

Is there a transcript? I'm asking if there's a transcript of our testimony.

TS **Tonn, Sheri** 41:29

Puget Sound Pilots please.

+12***25** 41:29

Can you can answer is there is there a transcript of this meeting? Will there be a transcript?

TS **Tonn, Sheri** 41:34

There will be. There will be minutes from this meeting. The next person is Puget Sound Pilots.

CR **Conference Room** 41:39

OK. I speak for Puget Sound pilots. What I was going to suggest was that we actually hear from Clay Diamond. I know that you guys did. He is. An expert in maritime law, he's the executive director for the APA. And he could possibly shed some light on this and I think it would be worthwhile for us to hear from him. Thank you.

TS **Tonn, Sheri** 42:15

Clay's materials will go on the record, and there will be time for public comment at the April meeting, as well as the May meeting.

TS **Tonn, Sheri** 42:25

Next is Travis McGrath.

TM **Travis McGrath** 42:29

The motion that may be rescinded from March began with following the assistant attorney general's advice.

TS **Tonn, Sheri** 42:33

Together.

TM **Travis McGrath** 42:36

Just curious, what was that advice from the assistant AG?

TS **Tonn, Sheri** 42:43

That was part of the motion provided by Mike Anthony. The Assistant Attorney General, who was with us on that call is not with us today. We do have Albert Wang with us. Albert, would you like to make any comments?

AW **Albert Wang** 43:06

Yes, well.

Without going into attorney-client privilege matters, my understanding was that the previous discussion was about the applicability of RCW 88.16.180 versus.

070 which both touch on the issue of pilotage. But 180 discusses specifically Washington State pilots on tanker vessels 070 discusses the I guess blanket exemption for allowing Canadian pilots on certain voyages. So, the board has received, previously, some advice from the Attorney General's Office, which has subsequently been updated for this meeting. And I have been consulted on the issue that's before the board now.

TS Tonn, Sheri 44:20

Thank you, Albert. Lovel one last comment. And I think you're the last person who has their hand up.

LP Lovel Pratt 44:32

Thank you. I just wanted to make sure that there would be information provided for the public to consider regarding the Attorney General's recommendation.

TS Tonn, Sheri 44:43

We have attorney-client privilege that we will not violate at this point in time. And so anything that goes beyond attorney-client privilege will be provided on the website. Is there anybody else from the board who would like to say anything before we have a vote? OK. So basically we will have discussion in April and we will take action potentially at the May board meeting. And anything else you'd like to add, Tim?

TF Tim Farrell 45:25

I'd like it to make it definitive that will take action at the May board meeting.

TS Tonn, Sheri 45:32

OK. Is the motion clear to the board?

OK, all of those in favor of the motion provided by Tim, please raise your hand.

HJ Hamel, Jolene (WSF-Pilotage) 45:47

Since we can't see everybody, can we get a roll call?

TS Tonn, Sheri 45:53

OK. Roll the call. Eleanor, in favor?

EK **Eleanor Kirtley** 46:04
Yep.

TS **Tonn, Sheri** 46:06
Sorry, I lost you again, Tim?

TF **Tim Farrell** 46:09
Aye.

TS **Tonn, Sheri** 46:13
Severin. You're muted.

BJ **Bever, Jaimie (WSF-Pilotage)** 46:27
Or, if you're abstaining, you need to say you're abstaining.

SK **Severin Knutsen** 46:32
Sorry, abstain.

TS **Tonn, Sheri** 46:35
Mike Anthony.

MA **Mike Anthony** 46:38
Abstain.

TS **Tonn, Sheri** 46:40
Jason. Aye.
Andrew.

DA **Drennen, Andrew** 46:46
Aye.

IN **Irwin, Nhi (ECY)** 46:50
Aye.

TS Tonn, Sheri 46:53

And I vote.

Aye, so the motion carries.

So there will be an opportunity for public comment in April. The publicly available materials would go on to the Board of Pilotage website and you can find them there, and then we'll take action in May. Anything else from the board for the good of the record?

Severin.

SK Severin Knutsen 47:28

I think that it is worth clarifying that the current practice has not necessarily been in line with Washington law of moving the tankers. So I think that there have been tankers moving from and to Port Angeles that have been transiting Haro Straits that have not had US pilots on board.

So I'd like to make a motion that we clarify that we have Washington pilots on tankers, over 40,000 deadweight tons going to or from Washington ports or places based on the 1962 Attorney General's opinion and that the board issues a letter to make clear that it interprets that. And that it will not hold the pilots in violation of 88.16.180 while we review this action. And that we notify vessels and agents of the requirement to include Washington pilots on tankers embarking to and from Washington ports or places.

TF Tim Farrell 48:49

Can I make a suggestion? There are two topics there. Severin, can we separate them out?

SK Severin Knutsen 49:00

Which would you like to separate out?

TF Tim Farrell 49:00

The letter that you referenced because that refers to 88.16.180, whereas the other refers to the requirement to carry a pilot. Specifically on the Port Angeles issue.

SK **Severin Knutsen** 49:30

I guess that we are required to take a pilot under 180, but. Yeah, I guess that's fine.

TF **Tim Farrell** 49:41

So would you restate them one at a time?

SK **Severin Knutsen** 49:46

So then the motion would be to have a Washington pilot on tankers above 40,000 deadweight going to or from Washington ports or places in line with the 1962 Washington Attorney General's opinion. And that the BPC will notify vessels in agent of the requirements to include a Washington state pilot on tankers embarking to or from a Washington port or place.

TF **Tim Farrell** 50:15

Thank you.

TS **Tonn, Sheri** 50:16

Is there a second I'll second that?

DA **Drennen, Andrew** 50:19

Second.

TS **Tonn, Sheri** 50:24

It's been moved and seconded. Is there any other discussion on the part of the board? Hearing none, is there any public comment?

BJ **Bever, Jaimie (WSF-Pilotage)** 50:43

Level just put in the chat wondering if it covers anchorages. The motion.

TS **Tonn, Sheri** 50:53

The motion as it stands right now.

SK **Severin Knutsen** 50:54

Port or place, so yes.

TS Tonn, Sheri 50:58

Port or place? So you interpret place as anchorages Severin, yes? Is that clear to the board?

MA Mike Anthony 51:13

Yes.

TS Tonn, Sheri 51:16

OK. Is there any discussion on the part of the public? Jason Lee.

JL Jackson, Lee 51:23

Yeah, Lee Jackson.

TS Tonn, Sheri 51:26

Oh, sorry.

JL Jackson, Lee 51:27

So that's OK. So doesn't this. Then why would there be a vote in May? Like if somebody explained to me the difference between what Severn just put forth and what the board just voted on. Because if I'm not mistaken, this whole issue is around Canadian bound vessels entering US waters so. With the motion that was just put forth there's gonna be a requirement now for if a Canadian bound vessel to or from Canada enters US waters to a port or a place. A Puget Sound pilot is going to have to be put on that vessel. How's that different than, why did we, like, push out the current or the previous motion. To me it's the same issue.

TS Tonn, Sheri 52:20

No, it's not the same issue because, or somebody provide me a distinction because discussion was about vessels going to and from sea from a Canadian port. To sea or from sea to a Canadian port, not to US port.

DA Drennen, Andrew 52:40

So. So Lee, yeah, this is it basically essentially enshrines what's happening now. So if a vessel's coming from sea and going up to one of the North Sound refineries in

transit Haro and Boundary, they would take a US pilot. If they're going outbound from those refineries to sea, they would take a US pilot. If a Canadian vessel was coming down from Canada and going to a US port, it would have a US pilot on board in US waters. What was voted on earlier was vessels going only to and from Canadian ports.

JL Jackson, Lee 53:17

OK. So just for clarification, if you will, on Severin's motion, is it like the current practice that is not currently happening, or are you just clarifying like currently there's not a US pilot on a boat that's come from Canada to a US port or place? Like practically speaking, that's not necessarily always happening.

DA Drennen, Andrew 53:46

We are clarifying so.

JL Jackson, Lee 53:48

Gotcha. OK. Thank you.

TS Tonn, Sheri 53:52

Is there any further discussion?
Level.

LP Lovel Pratt 53:58

Yeah, I just wanted to make sure because my observation is that there are tankers coming down from Canada and going to Anchorage areas and waiting for a berth at one of the refineries. And then sometimes at anchor for extended periods of times like the Starlight T was at the Vendovi anchorage for a long time following a delivery before leaving the area, and sometimes the anchorage areas appear to be used as parking lots waiting for a berth back up at the West Ridge Terminal in Burnaby. So I just want to make sure that anchorages are definitely included in the motion that Severin made and the clarification for what's needed.

TS Tonn, Sheri 54:42

That would be correct. They were included. Is there any further discussion?

BJ **Bever, Jaimie (WSF-Pilotage)** 54:46

I'm sorry to interrupt, because we're going to lose two of our Commissioners here very shortly.

TS **Tonn, Sheri** 54:51

Exactly. Given the motion that's on the floor, hearing no further discussion, Commissioners, we're going to take A roll call. All those in favor, Eleanor?

Tim, aye.

Severin.

SK **Severin Knutsen** 55:17

Aye.

TS **Tonn, Sheri** 55:18

Mike.

MA **Mike Anthony** 55:20

Yes, Jason, Aye.

TS **Tonn, Sheri** 55:25

Andrew.

Aye.

Sheri. Aye. Motion passes unanimously.

OK.

We are out of time for today.

Obviously this discussion will be continued at the April board meeting.

And like I say, there will be a record of all the documents that are submitted to us.

Except for anything that's protected by attorney.

Thank you all for joining us today. See you later.

DA **Drennen, Andrew** 56:03

Thank you all.

EK **Eleanor Kirtley** 56:04
Aye, thank you.

AW **Albert Wang** 56:04
Thanks everyone. Bye.

TF **Tim Farrell** 56:06
Take care.

□ **Bever, Jaimie (WSF-Pilotage)** stopped transcription